

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.:
	)	
Plaintiff,	)	
	)	DEMAND FOR JURY TRIAL
v.	)	
	)	
BILL'S TOWING LTD,	)	<u>COMPLAINT</u>
	)	
&	)	
	)	
HILL, IDEALEASE LLC,	)	
	)	
Defendants.	)	

NOW COMES the Plaintiff, the United States of America, by and through its undersigned attorneys, and states its Complaint as follows:

1. This is an action by the United States of America to recover damages from Defendants Bill's Towing LTD and Hill, Idealease LLC for damage they caused to a U.S. Army Corps of Engineers equipment trailer and utility terrain vehicle (UTV) during a multi-vehicle accident on U.S. Route 250 in Stark County, Ohio on July 11, 2019.

JURISDICTION AND VENUE

2. This action is brought by the United States under Ohio common law.
3. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1345.

4. Venue is proper in this district pursuant to 31 U.S.C. § 1391(b) because the events giving rise to the claim occurred in this district.

#### PARTIES

5. The Plaintiff in this action is the United States of America (“United States”).

6. The Defendants are Hill, Idealease LLC (“Hill”) located at 311 Center St, Martins Ferry, Ohio, 43935 and Bill’s Towing LTD (“Bill’s”) located at 309 Hall St, Bridgeport, Ohio, 43912.

#### FACTS

7. On July 11, 2019, a member of the US Army Corps of Engineers (“Army Corps”), was driving an Army Corps-owned Ford F250 Truck southeast on U.S. Route 250 in Stark County, Ohio.

8. The Army Corps truck was hauling an equipment trailer with a UTV strapped atop the trailer (collectively, “(Army Corps (Vehicle 1))”).

9. Traveling immediately behind Army Corps (Vehicle 1) on Route 250 was a semitruck operated by Defendant Hill (Vehicle 2).

10. Traveling immediately behind Defendant Hill on Route 250 was another semitruck, this one operated by Defendant Bill’s (Vehicle 3).

11. The Army Corps vehicle was planning to turn left off of Route 250. In preparation for this turn, the driver began decelerating approximately one-quarter of a mile before the turn. While decelerating, the driver tapped the brakes of the truck multiple times to signal to all vehicles the intent to stop and turn. The driver also turned on the left turn signal.

12. Defendant Hill (Vehicle 2) saw Army Corps (Vehicle 1) hit its breaks and turn on its left turn signal. Nevertheless, Hill collided with the Army Corps Vehicle.

13. Defendant Bill’s (Vehicle 3) collided with Hill (Vehicle 2).

14. In the accident report, the investigating Ohio State Patrol officer found that a contributing cause of the accident was that Defendants Hill and Bill's were both following too close and not allowing assured clearance distance ahead.

15. The Army Corps sustained \$33,987.86 in damages to its trailer and UTV because of this collision.

#### COUNT I: NEGLIGENCE

16. Plaintiff realleges and readopts the allegations set forth in the preceding paragraphs as if fully rewritten herein.

17. Defendants breached their duties to Plaintiff and proximately caused Plaintiff's damages in that they:

- a. Failed to maintain proper and reasonable control of the vehicle they were driving;
- b. Operated their vehicles in such a manner that caused a collision with Plaintiff's vehicle;
- c. Failed to steer in time to avoid the collision; and
- d. Failed to exercise the proper degree of care with respect to the rights and safety of other vehicle operators.

#### COUNT II: NEGLIGENCE PER SE

18. Plaintiff realleges and readopts the allegations set forth in the preceding paragraphs as if fully rewritten herein.

19. Defendants breached their duties to Plaintiff and, as a matter of law, proximately caused Plaintiff's damages when they:

- a. Operated their vehicles at a speed greater than would permit either of them to bring their respective vehicles to a stop within the assured clear distance ahead, in violation of Ohio Revised Code § 4511.34(A);
- b. Followed Plaintiff's vehicle more closely than was reasonable and prudent, in violation of Ohio Revised Code § 4511.34(A); and
- c. Were otherwise negligent, careless, or reckless as a matter of law.

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests that this Court enter judgment in its favor and against Defendants jointly and severally and award damages to the United States in the amount of \$33,987.86 and such other relief as may be appropriate.

Respectfully submitted,

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